

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JAIMI L. BOWERS,)	CASE NO. 4:08CV2095
)	
Plaintiffs,)	JUDGE JOHN R. ADAMS
)	
vs.)	
)	
HONORABLE MICHAEL W. WYNNE,)	<u>ORDER</u>
SECRETARY OF THE AIR FORCE)	
)	[Resolving Doc. 20]
Defendant.)	
)	

This matter comes before the Court on Plaintiff's motion for relief from judgment. The motion is DENIED.

In her motion, Bowers' raises two arguments. Based upon the resolution of her appeal in the Sixth Circuit Court of Appeals, both arguments lack merit.

First, Bowers contends that this Court gave insufficient weight to the statutory text of 10 U.S.C. § 10216. Both this Court and the appellate court reviewed the text of the statute and rejected Bowers' contention that it was controlling. Accordingly, her first ground for relief lacks merit.

Second, Bowers asserts that this Court was misled regarding whether Major Sturdevant was in her chain of command. Specifically, Bowers filed an affidavit asserting that Major Sturdevant was not in her military chain of command. In response, the Government filed an affidavit indicating that Major Sturdevant was indeed in Bowers' military chain of command. This Court, however, need not resolve that factual dispute. On appeal, the Sixth Circuit noted as follows:

Bowers contends on appeal that Majors Sturdevant and Coburn did not supervise her in her military capacity and were not in her military side chain of command;

however, it is not disputed that she held a military rank in her reserve unit, and that her claims challenge the conduct of superior military officers serving at the same military station, if not within the same unit, in a direct supervisory capacity. Thus, any investigation into the allegedly discriminatory and retaliatory actions by these officers necessarily threatens an intrusion into officer-subordinate relationships and the “unique structure” of the military establishment.

Bowers v. Wynne, 2010 WL 2869517, at *10 (6th Cir. July 21, 2010). Accordingly, regardless of whether Major Sturdevant was in the military chain of command, which the Court finds to very likely be true, Bowers is not entitled to relief from judgment.

Bowers’ motion for relief from judgment is DENIED.

IT IS SO ORDERED.

Date: September 16, 2010

/s/ John R. Adams
Judge John R. Adams
UNITED STATES DISTRICT COURT